

ORDINANCE NO. 2013-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AMENDING APPENDIX G, HISTORIC PRESERVATION, SECTION 7 CERTIFICATES OF APPROPRIATENESS AND SECTION 13 APPEALS OF THE CITY OF GRAPEVINE CODE OF ORDINANCES; PROVIDING THAT ALL ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH AN OFFENSE OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine has declared that as a matter of public policy, the protection, preservation, and enhancement of architecturally significant and historic structures is necessary to promote the economic, cultural, educational, and general welfare of the citizens of the City of Grapevine; and

WHEREAS, the unique identity of Historic Districts, individual properties with Historic Landmark Subdistrict Overlays and the Historic Grapevine Township District and the history of those areas have produced significant, historic, architectural, and cultural resources; and

WHEREAS additions to existing structures and the construction of new structures within the Historic Districts, individual properties with Historic Landmark Subdistrict Overlays and the Historic Grapevine Township District without regard to design features compatible with the surrounding environment could endanger the integrity of said districts and properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS:

Section 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety

Section 2. That Appendix G, Section 7 Certificates of Appropriateness is hereby amended to read as follows:

"Sec. 7. Certificates of appropriateness.

The commission shall follow the United States Secretary of the Interior's formal written Standards for the Rehabilitation of Historic Buildings in its consideration of all applications for certificates of appropriateness for property with an HL Historic Landmark Subdistrict overlay. These Standards shall be made available to owners and tenants of property designated as historic.

(a) A person shall not alter a property designated as historic or property within a historic district, or any portion of the exterior of a structure on the site, or designated adjacent right-of-way, or place, construct, maintain, expand or remove any structure on the site without first obtaining a certificate of appropriateness (CA) in accordance with this ordinance. A CA shall be obtained prior to the issuance of any building permit, although the CA review and building permit and other required permit review processes may be conducted simultaneously. A CA may also be required for work not otherwise requiring a building permit. The CA shall be required in addition to, and not in lieu of, any required building permit.

(b) A person shall not place, construct or expand any single family residential structure on property within the Historic Grapevine Township District without first obtaining a certificate of appropriateness (CA) in accordance with this ordinance. A CA shall be obtained prior to the issuance of any building permit, although the CA review and building permit review processes may be conducted simultaneously. For the purposes of this section, single family residential structure shall mean new single family residential construction, existing single family residences, and any structure that was originally constructed or occupied as a single family residence regardless of current use. CA review for properties within the township which do not have HL overlay shall be only for compliance with paragraphs (c), (d) and (e) below, and shall not include review for compliance with the Secretary of the Interior's Standards for Historic Preservation.

(c) Prior to commencement of any work, the owner shall file an application for a certificate of appropriateness with the director of development services. The application shall contain:

Name, address and telephone number of applicant, and address of affected property if different

Detailed description of proposed work

Current photographs of property (historic photos are also helpful)

Drawings of proposed changes or new construction, and samples of materials, when appropriate

Other information deemed necessary by city staff for clarification of the project

(d) Special provisions for single family residential structures with a Historic Landmark designation or within the Historic Grapevine Township District.

New single family residential construction, existing single family residences, and any structure that was originally constructed or occupied as a single family residence regardless of current use, any of which are within a Historic District, have an individual Historic Subdistrict Landmark, or are within the Historic Grapevine Township District shall comply with the following provisions:

(1) Submittal Requirements - In addition to any other filing requirements, Certificate of Appropriateness applications for new single family residential structures, and additions to single family structures shall be accompanied by the following documents:

a. Current photographs of the existing property, showing the full width of the adjacent properties and structures on each side of the subject property. If the subject property is a corner lot, a photograph of the structure directly across the street of the subject property shall be included.

b. A drawing showing the street facing elevations of the proposed structure along with building elevations of structures on adjacent properties. If the subject lot is a corner lot, the drawing shall also include the structure(s) located directly across the street.

(2) Design requirements - In addition to any applicable regulations required elsewhere, including but not limited to the Secretary of the Interior's Standards (applies only to properties with HL Historic Landmark Subdistrict Overlay), zoning ordinance and building code the following shall apply:

a. Under no circumstances shall any portion of a roof exceed 35 feet above grade.

b. Under no circumstances shall the living area of any single family residence be limited to less than 1,200 square feet.

c. Under no circumstances shall the floor area of all structures on any lot exceed 3,400 square feet.

d. With regard to paragraphs b. and c. above, one single story detached garage or carport (or combination thereof) not exceeding 500 square feet, and one single story detached storage building not exceeding 200 square feet shall not be considered as contributing to total floor area, provided all other provisions of all other city ordinances are met, including but not limited to lot coverage.

e. The total area of the second floor of any structure shall not exceed 65% of the total area of the first floor.

f. Maximum lot coverage for the combined building coverage occupied by all main and accessory buildings and structures shall not exceed 40% of the lot area.

g. Sideyard setback plane. No portion of a structure may extend beyond the sideyard setback planes. For the purposes of this section, a sideyard setback plane is a plane that begins 14 feet above the required sideyard setback line, and slopes upward toward the interior of the lot at a 45 degree angle (1:1 slope).

Exceptions:

1. Chimneys
2. Plumbing and Mechanical vents,
3. Dormers that:
 - i) are not in excess of eight feet in width
 - ii) are not closer than six feet to another dormer; and
 - iii) do not cause the aggregated width of all dormers on the same elevation to exceed 20 feet in width

h. Lots shall not be subdivided such that they are less than 50 feet in width.

i. Lots shall not be replatted such that the resulting lot width of any lot would exceed by more than 20% the average lot width of all single family residential lots of which any portion is located within a 300 foot radius of the boundary of the property being replatted.

j. In the event of a conflict between any of these requirements and any other guidelines, rules or ordinances, the most restrictive requirement shall prevail.

k. Front entry garages are prohibited, unless placed on the rear one-half of the lot.

(e) Notwithstanding other provisions of this section, the Historic Preservation Commission, upon recommendation of the Historic Preservation Officer, Director of Development Services and Executive Director of the Convention and Visitors Bureau may approve minor adjustments to the requirements of this section. However, under no circumstances may adjustments be made to 35 foot maximum building height, 3,400 square foot maximum floor area, or 40% total lot coverage.

(f) The commission shall deny, approve, or approve with conditions any CA application within 30 days of receipt of a completed application, determining whether the proposed work is consistent with the regulations contained in this ordinance, in all applicable ordinances, and in the zoning ordinance designating the historic landmark. Upon posted notice, and notification by regular mail at least five days in advance to the immediately adjacent property owners as that ownership appears on the last approved tax roll, the commission shall conduct a public hearing on the application, at which time an opportunity is provided for proponents and opponents of the application to present their views.

(g) All decisions of the commission shall be in writing, stating its approval or the specific reasons for denying or modifying any applications. A copy of the certificate shall be sent to the applicant (by certified mail with return receipt) and a copy filed with the director of development services."

Section 3. That Appendix G Section 13 Appeals is hereby amended to read as follows:

"Sec. 13. Appeals.

Any person aggrieved by a decision of the commission relating to hardship or issuance of certification of appropriateness, may within 30 calendar days of receipt of the written decision, file a written application with the city council through the office of the city secretary for review of the decision. The city council may consider hardships that would otherwise prohibit the applicant from enjoying the same benefits as other property owners with similar lots and similar uses. It shall be the responsibility of the applicant to present evidence why there is a unique hardship upon their property. A recommendation from the historic preservation commission as to whether the appeal should be approved or denied

shall be presented by city staff at the public hearing. The city council shall hold public hearings to consider the appeal. A decision of the city council is final and not appealable."

Section 4. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each offense and a separate offense shall be deemed committed each day during or on which an offense occurs or continues.


Section 5. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 6. That if any section, subsection, sentence, clause or phase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. That the fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, on this the 4th day of June, 2013.


APPROVED:



William D. Tate
Mayor

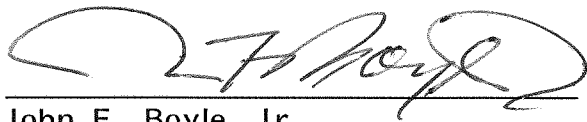


ATTEST:



Jodi C. Brown
City Secretary

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read "John F. Boyle, Jr.", written over a horizontal line.

John F. Boyle, Jr.
City Attorney